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# HOUSE BILL No. 1768

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4; IC 5-29; IC 9-21-4-5; IC 14; P.L.224-2003, SECTION 262; P.L.224-2003, SECTION 263.

**Synopsis:** Department of tourism. Establishes the department of tourism. Transfers certain duties and programs to the department. Makes conforming changes.

**Effective:** July 1, 2005.

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## Mahern, Hoy, Stilwell

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January 19, 2005, read first time and referred to Committee on Commerce, Economic Development and Small Business.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1768

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 4-21.5-2-5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. This article does not  
3 apply to the following agency actions:

4 (1) The issuance of a warrant or jeopardy warrant for the  
5 collection of taxes.

6 (2) A determination of probable cause or no probable cause by the  
7 civil rights commission.

8 (3) A determination in a factfinding conference of the civil rights  
9 commission.

10 (4) A personnel action, except review of a personnel action by the  
11 state employees appeals commission under IC 4-15-2 or a  
12 personnel action that is not covered by IC 4-15-2 but may be  
13 taken only for cause.

14 (5) A resolution, directive, or other action of any agency that  
15 relates solely to the internal policy, organization, or procedure of  
16 that agency or another agency and is not a licensing or  
17 enforcement action. Actions to which this exemption applies



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1 include the statutory obligations of an agency to approve or ratify  
2 an action of another agency.

3 (6) An agency action related to an offender within the jurisdiction  
4 of the department of correction.

5 (7) A decision of the department of ~~commerce~~, **tourism**, the  
6 department of environmental management, the enterprise zone  
7 board, the tourist information and grant fund review committee,  
8 the Indiana development finance authority, the Indiana business  
9 modernization and technology corporation, the corporation for  
10 innovation development, the Indiana small business development  
11 corporation, or the lieutenant governor that concerns a grant, loan,  
12 bond, tax incentive, or financial guarantee.

13 (8) A decision to issue or not issue a complaint, summons, or  
14 similar accusation.

15 (9) A decision to initiate or not initiate an inspection,  
16 investigation, or other similar inquiry that will be conducted by  
17 the agency, another agency, a political subdivision, including a  
18 prosecuting attorney, a court, or another person.

19 (10) A decision concerning the conduct of an inspection,  
20 investigation, or other similar inquiry by an agency.

21 (11) The acquisition, leasing, or disposition of property or  
22 procurement of goods or services by contract.

23 (12) Determinations of the department of workforce development  
24 under IC 22-4-18-1(g)(1), IC 22-4-40, or IC 22-4-41.

25 (13) A decision under IC 9-30-12 of the bureau of motor vehicles  
26 to suspend or revoke the driver's license, a driver's permit, a  
27 vehicle title, or a vehicle registration of an individual who  
28 presents a dishonored check.

29 (14) An action of the department of financial institutions under  
30 IC 28-1-3.1 or a decision of the department of financial  
31 institutions to act under IC 28-1-3.1.

32 (15) A determination by the NVRA official under IC 3-7-11  
33 concerning an alleged violation of the National Voter Registration  
34 Act of 1993 (42 U.S.C. 1973gg) or IC 3-7.

35 (16) Imposition of a civil penalty under IC 4-20.5-6-8 if the rules  
36 of the Indiana department of administration provide an  
37 administrative appeals process.

38 SECTION 2. IC 5-29 IS ADDED TO THE INDIANA CODE AS A  
39 NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
40 2005]:

41 **ARTICLE 29. DEPARTMENT OF TOURISM**

42 **Chapter 1. Definitions**

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1        **Sec. 1. The definitions in this chapter apply throughout this**  
 2 **article.**

3        **Sec. 2. "Department" refers to the department of tourism**  
 4 **established by IC 5-29-2-1.**

5        **Sec. 3. "Director" refers to the director of the department of**  
 6 **tourism appointed under IC 5-29-2-2.**

7        **Chapter 2. Department of Tourism**

8        **Sec. 1. The department of tourism is established within the**  
 9 **office of the lieutenant governor.**

10       **Sec. 2. The lieutenant governor shall appoint the director of the**  
 11 **department, who serves at the pleasure of the lieutenant governor.**  
 12 **The director is the executive and chief administrative officer of the**  
 13 **department. The director is entitled to compensation in an amount**  
 14 **to be fixed by the budget agency with the approval of the lieutenant**  
 15 **governor.**

16       **Sec. 3. (a) The director may appoint or employ deputy directors,**  
 17 **assistants, and employees as necessary in the performance of the**  
 18 **department's functions. Salaries of personnel shall be fixed by the**  
 19 **director, with the approval of the lieutenant governor and the**  
 20 **budget agency.**

21       **(b) The director may organize the department in the manner**  
 22 **that will best promote efficiency of administration in compliance**  
 23 **with this article.**

24       **Sec. 4. (a) The department may do the following:**

25       **(1) Cooperate with federal, state, and local governments and**  
 26 **agencies in the coordination of programs to make the best use**  
 27 **of the resources of the state.**

28       **(2) Receive and expend funds, grants, gifts, and contributions**  
 29 **of money, property, labor, interest accrued from loans made**  
 30 **by the department, and other things of value from public and**  
 31 **private sources, including grants from agencies and**  
 32 **instrumentalities of the state and the federal government. The**  
 33 **department:**

34       **(A) may accept federal grants for providing planning**  
 35 **assistance, making grants, or providing other services or**  
 36 **functions necessary to political subdivisions, planning**  
 37 **commissions, or other public or private organizations;**

38       **(B) shall administer the grants in accordance with the**  
 39 **terms of the grants; and**

40       **(C) may contract with political subdivisions, planning**  
 41 **commissions, or other public or private organizations to**  
 42 **carry out the purposes for which the grants were made.**

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(3) Direct that assistance, information, and advice regarding the duties and functions of the department be given to the department by an officer, agent, or employee of the state. The head of any other state department or agency may assign any of the other state department's or agency's employees to the department on a temporary basis, or may direct a division or an agency under the other state department's or agency's supervision and control to make a special study or survey requested by the director.

(4) Disseminate information concerning the cultural, recreational, quality of life, and tourism advantages of Indiana.

(5) Plan, direct, and conduct research activities.

(b) The department shall perform the following duties:

(1) Assist in the development and promotion of Indiana's tourist resources, facilities, attractions, and activities.

(2) Implement any federal program delegated to the state to carry out this article.

Sec. 5. The director may establish entities to advise the department on issues determined by the director. If the director establishes an advisory entity under this section, the advisory entity must:

(1) have members that represent diverse geographic areas and economic sectors of Indiana; and

(2) include members or representatives of tourism organizations.

Sec. 6. The director may adopt rules under IC 4-22-2 to carry out this article.

Sec. 7. The director shall be an ex officio nonvoting member of the Indiana economic development corporation board established by 4-1.5-4-1.

### Chapter 3. Tourism Information and Promotion Fund

Sec. 1. As used in this chapter, "fund" refers to the tourism information and promotion fund established by section 4 of this chapter.

Sec. 2. As used in this chapter, "promotion" includes the planning and conducting of information and advertising campaigns.

Sec. 3. As used in this chapter, "tourism group" means a private nonprofit corporation established under Indiana law whose purposes include the promotion of tourist resources and facilities in Indiana.

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1        **Sec. 4. The tourism information and promotion fund is**  
 2 **established. The fund shall be used exclusively for the purpose of**  
 3 **section 5 of this chapter. Money appropriated to the fund remains**  
 4 **in the fund and does not revert to any other fund at the end of a**  
 5 **state fiscal year.**

6        **Sec. 5. The department may make grants from the fund to**  
 7 **tourism groups for the promotion of tourist resources and facilities**  
 8 **in Indiana. However, each grant must be matched by funds**  
 9 **provided by the applicant, and the department may not provide**  
 10 **more than one-half (1/2) of the funds for a project. The matching**  
 11 **funds required from the applicant may be provided by any source**  
 12 **except other state funds.**

13        **Sec. 6. An application for a grant from the fund must include:**

- 14            (1) a detailed description of the proposed project;
- 15            (2) the short term and long term goals of the project; and
- 16            (3) an estimate of the total cost of the project based on at least
- 17            two (2) competitive bids for the materials and services
- 18            involved, when applicable.

19        **Sec. 7. (a) The tourist information and grant fund review**  
 20 **committee is established. The committee consists of the following:**

- 21            (1) The lieutenant governor or the lieutenant governor's
- 22            designee.
- 23            (2) Eight (8) persons appointed by the director who have
- 24            expertise in evaluation of tourism information and promotion
- 25            fund grant requests and an interest in the development of the
- 26            tourism industry in Indiana, one (1) of whom must be an
- 27            employee of the department.
- 28            (3) Six (6) nonvoting members appointed by the lieutenant
- 29            governor who shall be chosen from among the members of the
- 30            general assembly. Not more than three (3) of the nonvoting
- 31            members may be of the same political party.

32            (b) The members appointed under subsection (a)(2) shall serve  
 33 a four (4) year term. The members appointed under subsection  
 34 (a)(3) shall serve the lesser of a two (2) year term or until the  
 35 members' current term of office as members of the general  
 36 assembly expires. The director shall appoint members in such a  
 37 manner as to fairly represent all geographic areas of Indiana.

38            (c) Committee members shall serve without pay and may not be  
 39 reimbursed for expenses.

40            (d) The lieutenant governor may remove a member from the  
 41 committee on a showing of good cause.

42        **Sec. 8. After consideration of the general merits, potential**

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effectiveness, total cost, and other factors regarding the proposed project, the committee shall recommend to the director that the application be approved or disapproved, in whole or in part. However, the director shall, based on the committee's recommendation, make the final determination of approval or disapproval of each application.

Sec. 9. (a) If the application is approved, the department shall determine the amount of the grant to be made from the fund for the project. When an application is approved and the appropriate parties notified, the department shall allocate the sum granted from the fund to the account of the tourism group from which the application originated.

(b) The department may indicate its intention to reimburse a tourism group for tourism promotion activities by sending the tourism group a letter of credit. However, the department may not pay money to a tourism group for a project until the project is completed. A group may submit vouchers, receipts, and other materials to indicate that a project is completed.

Sec. 10. Promotional materials produced with the assistance of funds provided under this chapter must include the following statement: "Produced in cooperation with the Indiana Department of Tourism."

Sec. 11. The department may adopt rules under IC 4-22-2 to carry out this chapter.

#### Chapter 4. Tourism Marketing Fund

Sec. 1. As used in this chapter, "fund" refers to the tourism marketing fund established by section 7 of this chapter.

Sec. 2. As used in this chapter, "marketing" means the sale, gift, or other transfer of special items or other items in accordance with this chapter.

Sec. 3. As used in this chapter, "person" means an individual, a corporation, a limited liability company, a partnership, a firm, an association, a public or private agency, or another organization.

Sec. 4. As used in this chapter, "promotion" means the planning and conducting of informational and advertising campaigns.

Sec. 5. As used in this chapter, "special item" means an item or a work that:

- (1) contains a logo, a design, a trademark, patentable material, or copyrightable material owned by the state or an agency, an instrumentality, or a public officer of the state; and
- (2) relates in any way to any of the powers, duties, or

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functions of the director.

Sec. 6. As used in this chapter, "trademark" means a trademark granted by either the United States or a state of the United States.

Sec. 7. (a) The tourism marketing fund is established. Money in the fund does not revert to the state general fund at the end of a state fiscal year. The fund is a revolving fund to be used exclusively for purposes of this chapter. However, if the fund is abolished, money in the fund reverts to the state general fund.

(b) The director may market special items or other items in any manner, with the proceeds to be deposited in the fund. The treasurer of state shall invest money not needed to meet current obligations in the same manner as other public funds may be invested. Interest that accrues from these investments shall be credited to the fund.

(c) The director may receive and accept to be deposited in the fund grants, gifts, and contributions from public and private sources, in addition to money received from the marketing of special items or other items in accordance with this chapter.

(d) The director shall administer the fund and is responsible for the administration of this chapter. The director, subject to approval by the budget agency, may employ personnel as necessary for the marketing of special items and other items, as well as for the efficient administration of this chapter. The director may also grant exclusive or nonexclusive licenses to a person with respect to the performance of marketing duties or powers under this chapter.

(e) The director may make and execute contracts and all other instruments necessary or convenient for the performance of the director's duties and the exercise of the director's powers and functions under this chapter.

Sec. 8. The director may use the money in the fund for the following:

(1) Future marketing of special items or other items in accordance with this chapter.

(2) The promotion and development of tourism in Indiana.

Sec. 9. A person may not market special items without the written consent of the director, and the director may require royalty payments from a person before giving the director's consent. Money from royalty payments shall be deposited in the fund.

Sec. 10. The director may begin marketing special items together with other items on or within land or facilities owned or leased by the state, with the cooperation of the state agency, board,

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or commission in control of the land or facilities.

**Sec. 11.** The director and every agency, board, and commission of the state are exempt from taxes imposed by the state, except the state gross retail tax (IC 6-2.5-2), arising out of the marketing of special items and other items in accordance with this chapter. However, this section does not exempt any other person from applicable tax on the person's income or business insofar as that person is involved in the marketing of special items or other items in accordance with this chapter.

**Chapter 5. Indiana Tourism Council**

**Sec. 1.** As used in this chapter, "council" refers to the Indiana tourism council established by section 2 of this chapter.

**Sec. 2.** The Indiana tourism council is established.

**Sec. 3.** The council consists of the following members:

- (1) The lieutenant governor.
- (2) Two (2) members of the senate, who may not be members of the same political party, appointed by the president pro tempore of the senate for a term of one (1) year.
- (3) Two (2) members of the house of representatives, who may not be members of the same political party, appointed by the speaker of the house of representatives for a term of one (1) year.
- (4) Six (6) regional tourism industry representatives, appointed by the respective tourism regions for a term of one (1) year.
- (5) Eleven (11) representatives of the private sector, appointed by the governor for a term of two (2) years.
- (6) The director.
- (7) The commissioner of the Indiana department of transportation.
- (8) The director of the department of natural resources.
- (9) A member appointed by the Indiana Hotel and Motel Association for a term of one (1) year.
- (10) A member appointed by the Restaurant and Hospitality Association of Indiana for a term of one (1) year.
- (11) A member appointed by the Association of Indiana Convention and Visitor Bureaus for a term of one (1) year.
- (12) A member appointed by the Council of Indiana Attractions for a term of one (1) year.
- (13) A member appointed by the Indiana Gaming Association for a term of one (1) year.
- (14) A member appointed by the Recreation Vehicle Indiana

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Council for a term of one (1) year.

(15) A member appointed by the Indiana Bed and Breakfast Association for a term of one (1) year.

(16) A member appointed by the Indiana State Festival Association for a term of one (1) year.

Sec. 4. (a) Seventeen (17) members of the council constitute a quorum.

(b) The affirmative votes of a majority of the members appointed to the council are required for the council to take action.

(c) The lieutenant governor shall serve as chairperson of the council.

(d) The council shall adopt written procedures to govern the transaction of business by the council.

(e) Each member of the council who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also not entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties.

(f) Each member of the council who is a state employee but who is not a member of the general assembly is not entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties.

Sec. 5. The council shall do the following:

(1) Assist in developing goals and objectives for the department.

(2) Establish advisory groups to make recommendations to the department on tourism research, development, and marketing.

(3) Analyze the results and effectiveness of grants made by the department.

(4) Build commitment and unity among tourism industry groups.

(5) Create a forum for sharing talent, resources, and ideas regarding tourism.

(6) Encourage public and private participation necessary for the promotion of tourism.

(7) Make recommendations to the department regarding matters involving tourism.

Sec. 6. The council may receive funds from any source and may expend funds for activities necessary, convenient, or expedient to carry out the council's purposes.

Sec. 7. The department shall provide support and administrative

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1 services to the council.

2 **Sec. 8. The council shall submit an annual report to the**  
 3 **governor and to the general assembly in an electronic format**  
 4 **under IC 5-14-6 not later than November 1 each year.**

5 SECTION 3. IC 9-21-4-5 IS AMENDED TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Except as provided in  
 7 subsection (b), a person may not place or maintain upon a highway a  
 8 traffic sign or signal bearing commercial advertising. A public  
 9 authority may not permit the placement of a traffic sign or signal that  
 10 bears a commercial message.

11 (b) Under criteria to be jointly established by the Indiana  
 12 department of transportation and the department of ~~commerce~~;  
 13 **tourism**, the Indiana department of transportation may authorize the  
 14 posting of any of the following:

15 (1) Limited tourist attraction signage.

16 (2) Business signs on specific information panels on the interstate  
 17 system of highways and other freeways.

18 All costs of manufacturing, installation, and maintenance to the Indiana  
 19 department of transportation for a business sign posted under this  
 20 subsection shall be paid by the business.

21 (c) A person may not place, maintain, or display a flashing, a  
 22 rotating, or an alternating light, beacon, or other lighted device that:

23 (1) is visible from a highway; and

24 (2) may be mistaken for or confused with a traffic control device  
 25 or for an authorized warning device on an emergency vehicle.

26 (d) This section does not prohibit the erection, upon private property  
 27 adjacent to highways, of signs giving useful directional information and  
 28 of a type that cannot be mistaken for official signs.

29 SECTION 4. IC 14-10-1-1 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The natural  
 31 resources commission is established. The commission consists of  
 32 twelve (12) members as follows:

33 (1) The commissioner of the Indiana department of transportation  
 34 or the commissioner's designee.

35 (2) The commissioner of the department of environmental  
 36 management or the commissioner's designated deputy.

37 (3) The director of the department of ~~commerce~~ **tourism** or the  
 38 director's designated deputy.

39 (4) The director of the department.

40 (5) The chairman of the advisory council for the bureau of water  
 41 and resource regulation.

42 (6) The chairman of the advisory council for the bureau of lands

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and cultural resources.

(7) The president of the Indiana academy of science or the president's designee.

(8) Five (5) citizen members appointed by the governor, at least two (2) of whom must have knowledge, experience, or education in the environment or in natural resource conservation. Not more than three (3) citizen members may be of the same political party.

SECTION 5. IC 14-13-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The commission consists of the following fourteen (14) members:

(1) Eight (8) members who serve four (4) year terms as follows:

(A) Two (2) residents of Jeffersonville appointed by the executive of Jeffersonville.

(B) Two (2) residents of Clarksville appointed by the executive of Clarksville.

(C) Two (2) residents of New Albany appointed by the executive of New Albany.

(D) One (1) resident of Clark County appointed by the governor.

(E) One (1) resident of Floyd County appointed by the governor.

(2) The executive of Jeffersonville.

(3) The executive of New Albany.

(4) The president of the legislative body of Clarksville.

(5) The director of the department of ~~commerce~~ **tourism** or the director's designee, who serves as a nonvoting member.

(6) The director of the department or the director's designee, who serves as a nonvoting member.

(7) The commissioner of the Indiana department of transportation or the commissioner's designee, who serves as a nonvoting member.

SECTION 6. IC 14-13-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. The members of the commission are the following:

(1) The director or the director's designee.

(2) One (1) individual appointed by the county executive of each county that:

(A) contains a part of the corridor; and

(B) chooses to support the activities of the commission by resolution adopted by the county executive.

(3) The director of the Indiana department of transportation, or the director's designee, who shall serve as a nonvoting member.

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(4) The director of the division of historic preservation and archaeology of the department of natural resources, or the director's designee, who shall serve as a nonvoting member.

(5) The director of the department of environmental management, or the director's designee, who shall serve as a nonvoting member.

(6) The director of the ~~office~~ **department** of tourism, ~~development of the department of commerce~~, or the director's designee, who shall serve as a nonvoting member.

SECTION 7. IC 14-18-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The department shall do the following:

(1) Draft and distribute copies of the following to the hotel and motel industry:

(A) A proposed lease and contract.

(B) A notice of the time and place that the department will hold a public hearing to consider the terms and conditions of the proposed lease and contract.

(2) Submit a copy of the proposed lease to the department of ~~commerce~~ **tourism**.

(b) The department of ~~commerce~~ **tourism** shall submit an evaluation and recommendations for amendments for consideration before the public hearing.

SECTION 8. IC 14-18-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The department shall do the following:

(1) Draft and distribute copies of the following to the hotel and motel industry:

(A) A proposed lease and contract.

(B) A notice of the time and place that the department will hold a public hearing to consider the terms and conditions of the proposed lease and contract.

(2) Submit a copy of the proposed lease to the department of ~~commerce~~ **tourism**.

(b) The department ~~of commerce~~ **tourism** shall submit an evaluation and recommendations for amendments for consideration before the public hearing.

SECTION 9. IC 14-20-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Thousands of Hoosiers all over the nation have contributed toward the moving and restoration of this historic house and because the house has already proven to be an outstanding tourist attraction and in keeping with our great American heritage, it is the intent of this chapter that the

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department of ~~commerce~~, **tourism**, the department, and other appropriate state boards and agencies give widespread publicity to this memorial by brochure, pamphlet, or other means.

SECTION 10. IC 14-20-15-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The commission consists of the following members:

(1) Six (6) members of the house of representatives, to be appointed by the speaker of the house of representatives. Not more than three (3) members appointed under this subdivision may be members of the same political party.

(2) Six (6) members of the senate, to be appointed by the president pro tempore of the senate. Not more than three (3) members appointed under this subdivision may be members of the same political party.

(3) The governor or the governor's designee.

(4) The director of the department of natural resources or the director's designee.

(5) One (1) employee of the department of ~~commerce~~ **tourism** with expertise in the tourism or film industry, to be designated by the lieutenant governor.

(6) One (1) member of the Indiana historical society, to be appointed by the governor.

(7) Three (3) Indiana citizens, to be appointed by the governor. Not more than two (2) members appointed under this subdivision may be members of the same political party.

SECTION 11. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 4-4-3.5; IC 4-4-3.6; IC 4-4-29.

SECTION 12. P.L.224-2003, SECTION 262, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: SECTION 262.

(a) The duties conferred on the department of commerce relating to tourism ~~and community development~~ are transferred to the department of tourism ~~and community development~~ on July 1, 2005.

(b) The rules adopted by the department of commerce concerning tourism ~~and community development~~ before July 1, 2005, are considered, after June 30, 2005, rules of the department of tourism ~~and community development~~ until the department of tourism ~~and community development~~ adopts replacement rules.

(c) On July 1, 2005, the department of tourism ~~and community development~~ becomes the owner of all property ~~and obligations~~ relating to tourism promotion ~~and community development~~ of the department of commerce. **Any amounts owed to the department of commerce before July 1, 2005, under a program administered after**

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1 **June 30, 2005, by the department of tourism are payable to the**  
 2 **department of tourism.**

3 (d) Any appropriations to the department of commerce relating to  
 4 tourism ~~and community development~~ and funds relating to tourism ~~and~~  
 5 ~~community development~~ under the control or supervision of the  
 6 department of commerce on June 30, 2005, are transferred to the  
 7 control or supervision of the department of tourism ~~and community~~  
 8 ~~development~~ on July 1, 2005.

9 (e) The legislative services agency shall prepare legislation for  
 10 introduction in the 2004 regular session of the general assembly to  
 11 organize and correct statutes affected by the transfer of responsibilities  
 12 to the department of tourism ~~and community development~~ by this act.

13 (f) (e) This SECTION expires January 1, 2006.

14 SECTION 13. P.L.224-2003, SECTION 263, IS AMENDED TO  
 15 READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: SECTION 263.

16 (a) The duties conferred on the department of commerce relating to  
 17 economic development **and community development** in Indiana,  
 18 except those relating to energy policy or tourism, ~~and community~~  
 19 ~~development~~, are transferred to the Indiana economic development  
 20 corporation established by IC 4-1.5-3-1, as added by ~~this act~~,  
 21 **P.L.224-2003**, on July 1, 2005.

22 (b) The rules and policies adopted by the department of commerce  
 23 related to economic development **and community development**,  
 24 except those related to energy policy and tourism, ~~and community~~  
 25 ~~development~~, before July 1, 2005, are considered, after June 30, 2005,  
 26 policies of the Indiana economic development corporation until the  
 27 corporation adopts replacement policies.

28 (c) On July 1, 2005, the Indiana economic development corporation  
 29 becomes the owner of all property and obligations of the department of  
 30 commerce that are associated with the economic development activities  
 31 **and community development activities** of the department of  
 32 commerce, except property and obligations related to energy policy and  
 33 tourism. ~~and community development. Any amounts owed to the~~  
 34 **department of commerce before July 1, 2005, under a program**  
 35 **administered after June 30, 2005, by the Indiana economic**  
 36 **development corporation are payable to the Indiana economic**  
 37 **development corporation.**

38 (d) Any appropriations to the department of commerce and funds  
 39 under the control or supervision of the department of commerce related  
 40 to its economic development functions **and community development**  
 41 **functions**, except appropriations and funds related to energy policy and  
 42 tourism, ~~and community development~~, on June 30, 2005, are

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1 transferred to the Indiana economic development corporation on  
2 January 1, 2005.

3 (e) Any reference in a law or other document to the department of  
4 commerce or director of the department of commerce made before July  
5 1, 2005, and relating to its economic development function **or its**  
6 **community development function** shall be treated after June 30,  
7 2005, as a reference to the Indiana economic development corporation  
8 established by this act: **P.L.224-2003**.

9 (f) The legislative services agency shall prepare legislation for  
10 introduction in the 2004 regular session of the general assembly to  
11 organize and correct statutes affected by the transfer of responsibilities  
12 to the Indiana economic development corporation by this act.

13 (g) (f) This SECTION expires January 1, 2006.

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